

Applicants: P. Bonutti and J. Hawkins
Application No.: 09/992,211
Examiner: M. Thaler

REMARKS

Claims 57-62, 64-66, 68, 70-73, 75, 77-81, 83-88, 90, and 91 are pending in the application and are presented for the Examiner's review and consideration. Claim 66 has been amended and claims 67, 69, and 82 have been canceled. Applicants believe that the claim amendment, cancellation, and the accompanying remarks serve to clarify the present invention and are independent of patentability. Accordingly, Applicants respectfully submit that that they do not limit the range of any permissible equivalents.

Claims 67-69 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants have amended independent claim 66 as required by the Examiner. In light of the foregoing, amended independent claim 66 is respectfully submitted to be in condition for allowance. As claim 68 depends from amended claim 66 and necessarily include all the elements of the base claim, Applicants respectfully submit that this dependent claim is also allowable for at least for the same reason. Claims 67 and 69 have been cancelled rendering the objections to these claims moot.

Claims 66, 70, 80, 83-85, 87, and 88 were rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,183,443 to Kratoska *et al.* ("Kratoska"). Claims 81 and 86 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kratoska. Claims 66, 70, 71, and 83-85 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,312,417 to Wilk ("Wilk").

As noted above, claim 66 has been amended to place it in condition for allowance. In light of the foregoing, amended independent claim 66 is respectfully submitted to be patentable over Kratoska and Wilk. As claims 70, 71, 80, 81, and 83-88 depend from claim 66 and necessarily include all the elements of their base claim, Applicants respectfully submit that these dependent claims are also allowable over Kratoska and Wilk at least for the same reasons.

Finally, Applicants acknowledge with appreciation the continued allowance of claims 57-

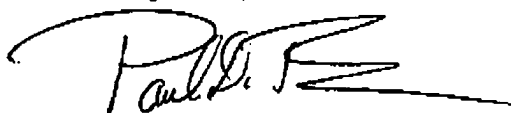
Applicants: P. Bonutti and J. Hawkins
Application No.: 09/992,211
Examiner: M. Thaler

62, 64, 65, 72, 73, 75, 77-79, 90, and 91.

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fee is believed to be due for this submission. However, please charge the required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 780-A02-003-2).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul D. Bianco', with a long horizontal flourish extending to the right.

Paul D. Bianco, Reg. # 43,500

Customer Number: 33771
Paul D. Bianco
FLEIT KAIN GIBBONS GUTMAN BONGINI & BLANCO
601 Brickell Key Drive, Suite 404
Miami, Florida 33131
Tel: 305-931-9620; Fax: 305-931-9627
e-mail: pbianco@focusonip.com